

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION**

In re:

HEALTH DIAGNOSTIC LABORATORY INC. *et al.*,¹

Debtors.

RICHARD ARROWSMITH, LIQUIDATING
TRUSTEE OF THE HDL LIQUIDATING TRUST,

Plaintiff,

vs.

LATONYA S. MALLORY, et al.,

Defendants.

Chapter 11

Case No. 15-32919 (KRH)

(Jointly Administered)

Adv. Proc. No. 16-03271

**MOTION OF DEFENDANTS TIPTON GOLIAS, JOSEPH GOLIAS, DONALD GOLIAS,
KARLA FALGOUT, TIPTON GOLIAS IN HIS CAPACITY AS TRUSTEE OF THE
WYNDELL L. GOLIAS VOTING TRUST, ROBERT S. GALEN, NOEL D. BARTLETT,
JR., ERIC PETERSEN, DAVID MAYES, JOHN TESSLER, AND PAMELA OATES TO
DISMISS IN PART**

Defendants Tipton Golias, Joseph Golias, Donald Golias, Karla Falgout, Tipton Golias in his capacity as trustee of the Wyndell L. Golias Voting Trust, Robert S. Galen, Noel D. Bartlett, Jr., Eric Petersen, David Mayes, John Tessler, and Pamela Oates move to dismiss Counts 1–12 and 29–33 of the Trustee’s omnibus complaint under Federal Rule of Civil Procedure 12(b)(6), made applicable to this proceeding by Federal Rule of Bankruptcy Procedure 7012(b). As explained in the supporting memorandum, these claims cannot succeed as a matter of law.

¹ The debtors in these cases, along with the last four digits of each Debtor’s federal tax identification number, are: Health Diagnostic Laboratory, Inc. (0119), Central Medical Laboratory, LLC (2728), and Integrated Health Leaders, LLC (2434).

Respectfully submitted,

Dated: February 28, 2017

/s/ Matthew D. Foster

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CERTIFICATE OF SERVICE

I hereby certify that on February 28, 2017, a copy of the foregoing document was filed electronically. Service of this filing will be made on all ECF-registered counsel by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ Matthew D. Foster
Matthew D. Foster
Counsel for Goliath Defendants